

Note for Hammond, Shuanise

From: Merlo, Ellen
Date: Fri, Jan 26, 1996 3:24 PM
Subject: RE: Comments from FMI
To: Poole, Jay
Cc: Chaikin, Karen; Hammond, Shuanise; Johnson, Craig; Laufer, David; Szymanczyk, Mike

what exactly if the wording they want deleted.

From: Poole, Jay on Fri, Jan 26, 1996 3:19 PM
 Subject: RE: Comments from FMI
 To: Walls, Tina
 Cc: Carney, Alfonso; Crawford, Derek; Firestone, Marc; Keane, Denise; Laufer, David; Liebengood, Howard; Merlo, Ellen; Nicoli, David; Pressl, Lance; Slavitt, Josh; Spector, James; Tobiasz, Sarilee

With respect to uniformity, such language was included in the original proposal which was provided to the legislative patron - Jim Almand. Mr. Almand removed the specific uniformity provision because, in his opinion, Virginia's Dillon rule provides that powers not specifically authorized for localities remain sole in the hands of the state, therefore, in his opinion, no uniformity clause was needed.

With respect to the agency responsible, The VA Department of Agriculture and Consumer Services is the agency of jurisdiction in the most recent draft. VDACS currently has statutory authority to regulate the sale of consumer products to the public - the access bill is a sales bill, not a health bill. Sanctions against minors already exist in current Virginia Statutes

With respect to the deletion of the last sentence in subsection (f) on page 11 of the 1/25 draft, I think their proposal in this regard is a little unreasonable, but that's not for me to decide.

From: Walls, Tina on Fri, Jan 26, 1996 2:44 PM
 Subject: Comments from FMI
 To: Poole, Jay
 Cc: Carney, Alfonso; Crawford, Derek; Firestone, Marc; Keane, Denise; Laufer, David; Liebengood, Howard; Merlo, Ellen; Nicoli, David; Pressl, Lance; Slavitt, Josh; Spector, James

fmi has reviewed the draft language dated 1/25/96. they know the language has not been introduced and is pending drafting office action.

from their perspective pm's agreement is that if pm is pursuing licensing certain language should be included in the legislation.

based on this agreement the lanugage they believe is missing includes the following: uniformity; which agency will have responsibility for administering the law and some language which would make sure that agency does not vest the power for the inspections in the acs, ala or some other group; and sanctions for minors. they also would like the last sentence in subsection (f) on page 11 of the 1/25 draft deleted.

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204545-8430 B